

The New Hours-Of-Service Regulations

Effective October 1, 2005

Effective October 1, 2005, the Federal Motor Carrier Safety Regulations 49 CFR, Part 395 Hours-of-Service change.

These new rules provide an increased opportunity for drivers to obtain necessary rest and restorative sleep, while recognizing the business needs of drivers and motor carriers.

These regulations only apply to property carriers and commercial motor vehicle drivers. Passenger carriers and their drivers will continue operating under the pre-2003 rules while fatigue issues specific to the passenger carrier industry are assessed.

2003 Rule Property-Carrying CMV Drivers Compliance through 09/30/05	2005 Rule Property-Carrying CMV Drivers Compliance On & After 10/01/05
May drive a maximum of 11 hours after 10 consecutive hours off duty.	No Change
May not drive beyond the 14 th hour after coming on duty, following 10 consecutive hours off duty.	No Change
May not drive after 60/70 hours on Duty in 7/8 consecutive days. ▶ A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty.	No Change
Commercial motor vehicle (CMV) drivers using a sleeper berth must take 10 hours off duty, but may split sleeper-berth time into two periods provided neither is less than 2 hours.	CMV drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.

Simply stated the new rule means:

- Drivers may drive up to 11 hours in the 14-hour on-duty window after they come on duty following 10 or more consecutive hours off duty.
- The 14-hour on-duty window may not be extended with off-duty time for meal and fuel stops, etc.
- The prohibition on driving after being on duty 60 hours in 7 consecutive days, or 70 hours in 8 consecutive days, remains the same, but drivers can “restart” the 7/8 day period anytime a driver has 34 consecutive hours off duty.

- CMV drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.

Short-Haul Provisions	
Drivers of property-carrying CMVs which do not require a Commercial Driver's License for operation and who operate within a 150 air-mile radius of their normal work reporting location:	
<ul style="list-style-type: none">• May drive a maximum of 11 hours after coming on duty following 10 or more consecutive hours off duty.• Are not required to keep Records-of-Duty Status (RODS).• May not drive after the 14th hour after coming on duty 5 days a week or after the 16th hour after coming on duty 2 days a week.	
Employers Must:	
<ul style="list-style-type: none">• Maintain and retain accurate time records for a period of 6 months showing the time the duty period began, ended, and total hours on duty each day in place or RODS.	

In developing these hours-of-service regulations, the Federal Motor Carrier Safety Administration (FMCSA) systematically and extensively researched both United States and international health and fatigue studies and consulted with federal safety and health experts. Our roads are better designed, constructed, and maintained in a nationwide network to provide greater mobility, accessibility, and safety for all highway users. Vehicles have been dramatically improved in terms of design, construction, safety, comfort, efficiency, emissions, technology, and ergonomics. These factors, combined with years of driver fatigue and sleep disorder research, led to a revision of the hours-of-service regulations for drivers.

FMCSA will continue working with its partners and stakeholders to assure a smooth transition to the new regulations.

Please join us in working together to implement these new regulations for the continuing improvement of motor carrier safety.

For more information or additional outreach materials, visit the FMCSA's Web site at www.fmcsa.dot.gov.